



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/644,904

08/21/2003

Alexei Lebedev

Algo-1

6685

26479

7590

01/21/2011

STRAUB & POKOTYLO

788 Shrewsbury Avenue

TINTON FALLS, NJ 07724

EXAMINER

HARRISON, CHANTE E

ART UNIT

PAPER NUMBER

2628

MAIL DATE

DELIVERY MODE

01/21/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/644,904	LEBEDEV, ALEXEI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Chante Harrison	2628	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is responsive to communications: Amendment, filed on 12/6/07.
2. Claims 1-7, 9-14 are pending in the case. Claims 1 and 9 are independent claims. Claims 1-7 and 9-14 have been amended. Claims 8 and 15 are canceled.

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the system of claim 9 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The disclosure is objected to because of the following informalities: the specification is incomplete (i.e. the original specification filed 8/21/03 does not include a full discussion of Fig. 3; and the corrected specification filed 12/4/03 is not formatted correctly and does include a description of any of the drawings).

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. Claims 1 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Regarding claims 1 and 9, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

Art Unit: 2628

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1-7 and 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richard Friesen et al., US 7,212,999 B2, 5/2007 and further in view of Keith Christopher, US 2007/0005488.

As per independent claim 1, Friesen discloses

Presenting an order book on a real-time graphical display (abstract), said step of presenting the order book including:

a display canvas (Fig. 3A) which displays time on the X axis (Fig. 3B; col. 9, ll. 15-20)

and price on the Y axis (Fig. 3A "332")

displaying a variety of scales, both in price and in time direction (Fig. 3C)

displaying orders and trades as distinguished graphical marks (Fig. 3A "300, 304")

providing visual attributes to each of said graphical marks, such as thickness, color or variation in shape of each graphical mark, based on an attribute, such as order

intention, order age, order size, or trade volume corresponding to the individual

graphical mark for which the visual attributes are being provided (col. 6, ll. 26-33); and

trader clicking in a special auto-route band (col. 11, ll. 15-20; col. 10, ll. 50-55).

Friesen fails to disclose providing a trader an opportunity to enter orders that will be

automatically routed to a market center of a computer's choice by said trader clicking in

a special auto-route band and having the computer choose a destination that has the

fastest response time and the best price, which Keith discloses (Para 62, 64, 70; Fig.

11, 13).

Art Unit: 2628

Friesen teaches an interface for allowing real time trades.

Keith teaches providing an electronic program that acts as a virtual agent to automatically route orders to markets based on user specifications for the order.

It would have been obvious to one of skill in the art to include Keith's automatically routed orders by having the computer choose a destination that has the fastest response time and the best price with the method of Friesen because each teaches routing electronic trades and tracking orders, where the combination of known elements provides predictable results.

As per dependent claim 2, Friesen discloses (a) providing a special graphical mark on said display which said trader can manipulate to adjust intended price along said Y axis and over said X axis to adjust intended time of placement (col. 8, ll. 38-44)

(b) providing said graphical display to show said trader's own active and recent orders and trades being displayed alongside other participants' orders in a manner that distinguishes said trader's active orders and trades from the other participants in a market whereby said trader can make visual comparison (col. 5, ll. 49-65; col. 8, ll. 1-5, 14-20).

As per dependent claim 3, Friesen discloses said graphical display visualizes order books of multiple markets as vertical bands (col. 6, ll. 1-2; Fig. 3A "300, 304"; col. 10, ll. 1-4).

Art Unit: 2628

As per dependent claim 4, Friesen discloses each said vertical band displays orders originating from a single that market (i.e. each band displays an order or stacked order corresponding to the same market commodity) (col. 6, ll. 1-2; Fig. 3A “300, 304”; col. 10, ll. 1-4).

As per dependent claim 5, Friesen discloses wherein the price of said orders are indicated on said Y coordinate with distinguished graphical mark (Fig. 3A “336”; col. 6, ll. 10-11).

As per dependent claim 6, Friesen discloses providing said trader with an opportunity to route orders to a specific market center by moving a special graphical mark inside a vertical band corresponding to said specific market center and to adjust limit price by a vertical movement of said special graphical mark (i.e. stacking the orders) (col. 8, ll. 38-44; col. 11, ll. 15-20; col. 10, ll. 50-55).

As per dependent claim 7, Friesen discloses said trader can send, cancel and re-send said order to the specific market center by predetermined user action whenever price, size or another parameter of said order has changed (col. 8, ll. 52-64).

As per independent claim 9, Friesen discloses a system as similarly claimed in claim 1, the system having means (Fig. 2). The rationale as applied in the rejection of claim 1 applies herein.

As per dependent claims 10 -14, the rationale as applied in the rejection of claims 2-7 respectively apply herein.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chante Harrison whose telephone number is (571)272-7659. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Wang can be reached on 571-272-0811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Chante Harrison  
Primary Examiner  
Art Unit 2628

/Chante Harrison/  
Primary Examiner, Art Unit 2628